

RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Environmental Review Commission, with the assistance of the Department of Environment and Natural Resources, shall study the allocation of surface water resources and their availability and maintenance in the State, including issues related to the transfer of water from one river basin to another, the withdrawal of water for consumptive use, and the accuracy and tolerance of equipment used to measure the flow of water transferred from one river basin to another river basin. The Commission shall evaluate the benefits of establishing formal and informal procedures for negotiating transfers of water from one river basin to another. The Commission shall also study and recommend measures to: (i) ensure that the purposes of the Regional Water Supply Planning Act of 1971, as set out in G.S. 162A-21, are fulfilled; (ii) provide for a comprehensive system for regulating surface water withdrawals for consumptive and nonconsumptive uses; (iii) provide for the establishment of a statewide plan for water resources development projects; (iv) provide for adequate resources for the Department so that it may develop and implement a comprehensive approach to water resources management; (v) ensure that all State laws regulating water resources are consistent with and fully integrated into the comprehensive system for regulating surface water withdrawals and the statewide plan for water resources development projects; and (vi) ensure that potential interstate conflicts related to water resources are avoided or minimized. In the conduct of this study, the Environmental Review Commission may employ independent consultants as provided in G.S. 120-32.02 and G.S. 120-70.44. The Environmental Review Commission may submit an interim report to the 2008 Regular Session of the General Assembly and shall submit a final report of its findings and recommendations, including any legislative proposals, to the 2009 General Assembly.

SECTION 1.(b) The Division of Water Resources of the Department of Environment and Natural Resources, in consultation with the Environmental Review Commission, shall prepare a revised map entitled "Major River Basins and Sub-basins in North Carolina". The revised map shall be prepared as a recommended replacement for the map referenced in G.S. 143-215.22G. The revised map shall define the extent to which any river basin that encompasses any river that flows from another state into North Carolina or that flows from North Carolina into another state extends into an adjacent state. The Environmental Review Commission shall recommend a revised map and a conforming legislative proposal to amend the definition of "river basin" set out in G.S. 143-215.22G to the 2008 Regular Session of the General Assembly.

SECTION 2. G.S. 143-215.22I is repealed.

SECTION 3. Part 2A of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-215.22L. Regulation of surface water transfers.

(a) Certificate Required. – No person, without first obtaining a certificate from the Commission, may:

- (1) Initiate a transfer of 2,000,000 gallons of water or more per day from one river basin to another.